

DONEGAL COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS, 2000 - 2017

Chief Executive's

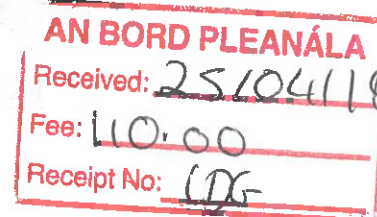
Order No: 2018PH0592

Reference Number: 18/50031

Name of Applicant:

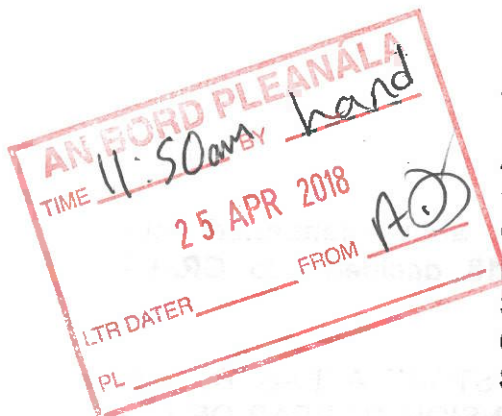
Address:

MICHAEL BOYLE OF ATLANTIC DRIVE LTD  
C/O CORNER STONE ARCHITECTURE  
BALLYKILDUFF  
PORTNOO  
CO. DONEGAL



Nature of Application:

PERMISSION for (A) DEMOLITION OF PART OF THE EXISTING BAR AND STORE AREAS TO THE EXISTING BUILDING, (B) CONSTRUCTION OF A NEW EXTENSION TO REAR OF THE EXISTING BUILDING CONSISTING OF A NEW BAR AREA, RESTAURANT AREAS, TOILET BLOCKS, KITCHEN AND STORES ON GROUND AND FIRST FLOOR AREAS, (C) CHANGE OF USE FROM EXISTING STORES AT FIRST FLOOR LEVEL TO RESTAURANT AREA, (D) ASSOCIATED SIGNAGE TO THE BUILDING, (E) CONSTRUCTION OF NEW REAR ENTRANCE FOYER, (F) CONSTRUCTION OF A NEW SIDE STORE TO THE GABLE END OF THE EXISTING BUILDING, (G) EXTERNAL SMOKING & BAR AREA AND (H) ADDITIONAL CARPARKING AREA TOGETHER WITH ALL ASSOCIATED SITE DEVELOPMENT WORKS



Location of Development:

THE BAYVIEW BAR MAIN STREET MEENMORE DUNGLOE  
CO. DONEGAL

SUBMITTED:

Recommendation that PERMISSION BE GRANTED subject to the 13 conditions set out in the Schedule hereto.

\_\_\_\_\_  
STAFF OFFICER

ORDER:

That it is hereby decided to GRANT PERMISSION in the case of application 18/50031 under the Planning and Development Acts, 2000 - 2017 subject to the 13 conditions stipulated in the Schedule hereto.

I further order that PERMISSION BE GRANTED subject to the 13 conditions, unless an appeal which is not subsequently withdrawn is lodged with An Bord Pleanala within four weeks beginning on this date.

\_\_\_\_\_  
SENIOR EXECUTIVE PLANNER

DATED THIS

DAY OF MARCH 2018

**DONEGAL COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACTS, 2000 - 2017**

**NOTIFICATION OF DECISION TO GRANT**

**TO: MICHAEL BOYLE OF ATLANTIC DRIVE LTD  
C/O CORNER STONE ARCHITECTURE  
BALLYKILDUFF  
PORTNOO  
CO. DONEGAL**

**Planning Register Number: 18/50031**

**Valid Application Received: 15/01/2018**

**Further Information Received Date: 14/03/2018**

**In pursuance of the powers conferred upon them by the above-mentioned Acts, Donegal County Council has by Order dated 29/03/2018 decided to GRANT PERMISSION for development of land, namely:-**

**(A) DEMOLITION OF PART OF THE EXISTING BAR AND STORE AREAS TO THE EXISTING BUILDING, (B) CONSTRUCTION OF A NEW EXTENSION TO REAR OF THE EXISTING BUILDING CONSISTING OF A NEW BAR AREA, RESTAURANT AREAS, TOILET BLOCKS, KITCHEN AND STORES ON GROUND AND FIRST FLOOR AREAS, (C) CHANGE OF USE FROM EXISTING STORES AT FIRST FLOOR LEVEL TO RESTAURANT AREA, (D) ASSOCIATED SIGNAGE TO THE BUILDING, (E) CONSTRUCTION OF NEW REAR ENTRANCE FOYER, (F) CONSTRUCTION OF A NEW SIDE STORE TO THE GABLE END OF THE EXISTING BUILDING, (G) EXTERNAL SMOKING & BAR AREA AND (H) ADDITIONAL CARPARKING AREA TOGETHER WITH ALL ASSOCIATED SITE DEVELOPMENT WORKS AT THE BAYVIEW BAR MAIN STREET MEENMORE DUNGLOE CO. DONEGAL IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.**

**Subject to the 13 conditions set out in the attached schedule.**

**Signed on behalf of Donegal County Council  
County House  
Lifford  
Tel: 074 9153900**

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**for Senior Ex. Planner  
Date: 29<sup>th</sup> March, 2018**

**See final page for details of appeal procedures.**

SCHEDULE

1. Development shall be carried out strictly in accordance with lodged plans and details, particularly those revised plans and details submitted on 14<sup>th</sup> March, 2018 save as hereinunder otherwise required.

**Reason: To cater for orderly development.**

2. The hours of operation of the restaurant herein permitted shall be between 1100 hours and 2300hours Monday to Sunday inclusive.

**Reason : In the interest of orderly development.**

3. All external finishes shall be consistent with those of the existing building, in terms of materials, colours and textures.

**Reason: In the interests of visual amenity.**

4. Signage shall be in the Irish Language only, or if bilingual signage is proposed, then the Irish language shall be first and shall be of an area, size and prominence that is at least equal to or greater than the area, size and prominence of signs provided in other languages.

**Reason: To promote the use of Irish language in accordance with Policy T-P-14 of the County Development Plan, 2012 – 2018 (as varied).**

5. No signs, symbols or other means of advertisement shall be erected or posted on site without prior written agreement of the Planning Authority and in any event signage shall not be in the form of plastic, internally illuminated, box facia signs or similar.

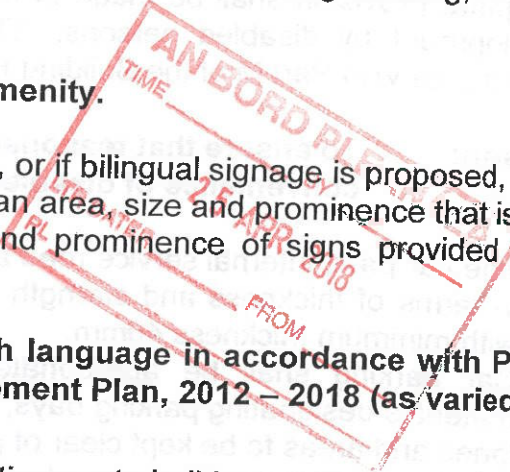
**Reason: To cater for orderly development.**

6. (a) All external lights shall be adequate hooded and aligned so as to prevent direct spillage of light onto public road.  
(b) No L.E.D, neon or similar lights shall be erected on the subject premises, structure or site.  
(c) No digital displays or similar illuminated streaming media shall be erected or displayed on the subject premises, structure or site.

**Reason: To cater for orderly development and in the interests of public safety.**

7. Public lighting shall consist of low energy LED lights. Luminaries shall comply with I.S. EN 60598-2-3.

**Reason: To cater for orderly and sustainable development and in the interests of public safety.**



**Continuation of Schedule – Order No. 2018PH0592**

8. Post construction surface water run-off from hard surfaced/concreted/tarmacadam areas shall be directed to serviced sediment and oil interceptor traps, prior to discharge to any stream/drainage.

**Reason:** To ensure the integrity and preservation of Natura 2000 sites and their qualifying interests.

9. Any bulk fuel storage tank shall be properly bunded with a bund capacity of at least 110% of that of the fuel tank.

**Reason:** To ensure the integrity and preservation of Natura 2000 sites and their qualifying interests

10. Adequate provision shall be made to facilitate access to and the use of the proposed development by disabled persons. The access and use requirements shall be in accordance with Part M of the Building Regulations.

**Reason:** To ensure that reasonable facilities are provided for the convenience of disabled

- 11 (a) The car park, internal service road and entrance area shall be adequately designed in terms of thickness and strength and shall be surfaced in bituminous macadam with minimum thickness 40mm.  
(b) Car parking shall be appropriately marked with thermoplastic road marking materials designating parking bays, distinguishing disabled parking bays, circulation lanes and areas to be kept clear of parking.  
(c) Roadways and paved areas shall be drained by the provision of an adequate number of gullies so arranged to avoid ponding. The gully grating shall be lockable type to B.S. 497 Part 1.

**Reason:** In the interests of traffic safety and to avoid flooding.

12. Connection to the public mains water & sewer networks shall be to the satisfaction of Irish Water.

**Reason:** In the interest of public health.

13. The applicant (or person at the relevant time entitled to the benefit of the permission) shall pay a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is already provided or is intended will be provided by the Authority. The amount of the contribution will be as set out below and is determined in accordance with the "Donegal County Council Development Contribution Scheme 2016 - 2021" (made under Section 48 of the Planning and Development Act, 2000). The total contribution and breakdown of same in respect of the different classes of public infrastructure and facilities provided/to be provided by the Authority are –

Commercial/Industrial	€ 851.26
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TOTAL: €851.26

**Continuation of Schedule – Order No. 2018PH0592**

**No. 13 Contd**

The total contribution shall be paid to the Council prior to commencement of the development unless the Council have agreed in writing beforehand to facilitate phased payment of the contributions in which event as part of any such agreement the Council may require the giving of security to ensure payment.

**Reason: To facilitate provision of capital works.**

**ADVICE TO APPLICANT**

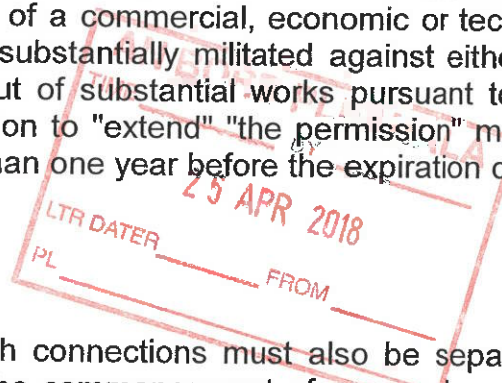
**Duration of Permission**

The permission to be issued (hereinafter referred to as "the permission") will cease to have effect in five years from the date of issue as regards any part of the development **not completed** by that date.

**No works can commence on foot of "A Notification of Decision" on an application.**

**The development is only authorised when a "Notification of Final Grant" is issued.**

The planning legislation currently provides that where the development has either (i) not been completed but substantial works have been carried out pursuant to "the permission" or (ii) not commenced and there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against either the commencement of development or the carrying out of substantial works pursuant to "the permission" during the said five years, an application to "extend" "the permission" may be made. Such application shall not be made earlier than one year before the expiration of "the permission".



**Road Opening**

Permission for road openings associated with such connections must also be separately approved by the Council (as appropriate) prior to the commencement of any works on the opening of road, verge or footpath for the purpose of making such connections. (Separate fees are payable).

**General**

Applicant is advised of the requirement to submit a Commencement Notice and to ensure that all building works carried out comply with the Building Regulations 1997 – 2014 and the Building Control Regulations 1997 – 2016.



DONEGAL COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS, 2000 – 2017

**Chief Executive's**

**Order No:** 2018PH0393

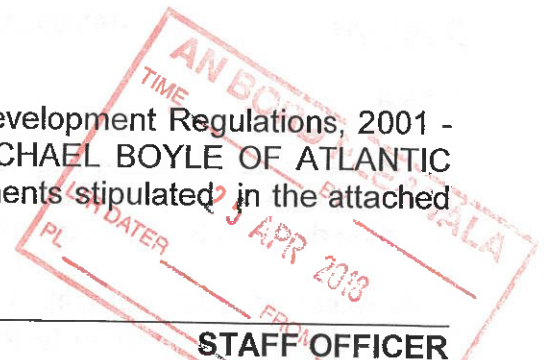
**Reference Number:** 18/50031

**Name of Applicant:** MICHAEL BOYLE OF ATLANTIC DRIVE LTD  
**Address:** C/O CORNER STONE ARCHITECTURE  
BALLYKILDUFF  
PORTNOO  
CO. DONEGAL

**Nature of Application:** PERMISSION for (A) DEMOLITION OF PART OF THE EXISTING BAR AND STORE AREAS TO THE EXISTING BUILDING, (B) CONSTRUCTION OF A NEW EXTENSION TO REAR OF THE EXISTING BUILDING CONSISTING OF A NEW BAR AREA, RESTAURANT AREAS, TOILET BLOCKS, KITCHEN AND STORES ON GROUND AND FIRST FLOOR AREAS, (C) CHANGE OF USE FROM EXISTING STORES AT FIRST FLOOR LEVEL TO RESTAURANT AREA, (D) ASSOCIATED SIGNAGE TO THE BUILDING, (E) CONSTRUCTION OF NEW REAR ENTRANCE FOYER, (F) CONSTRUCTION OF A NEW SIDE STORE TO THE GABLE END OF THE EXISTING BUILDING, (G) EXTERNAL SMOKING & BAR AREA AND (H) ADDITIONAL CARPARKING AREA TOGETHER WITH ALL ASSOCIATED SITE DEVELOPMENT WORKS

**Location of Development:** THE BAYVIEW BAR MAIN STREET MEENMORE, DUNGLOE

**SUBMITTED:** Pursuant to Planning and Development Regulations, 2001 - 2018 it is recommended that notice be served on MICHAEL BOYLE OF ATLANTIC DRIVE LTD the applicant to submit the information/documents stipulated in the attached Schedule.



**ORDER:** That notice be served on MICHAEL BOYLE OF ATLANTIC DRIVE LTD by registered post, pursuant to Planning and Development Regulations, 2001 - 2018 to submit the information/documents stipulated in the attached Schedule.

\_\_\_\_\_  
SENIOR EXECUTIVE PLANNER

DATED THIS DAY OF MARCH 2018

**N.B.: Planning Department Fax No.: 074 9142120**

Ref.No: 18/50031  
**REGISTERED POST**

8<sup>th</sup> March 2018

MICHAEL BOYLE OF ATLANTIC DRIVE LTD  
C/O CORNER STONE ARCHITECTURE  
BALLYKILDUFF  
PORTNOO  
CO. DONEGAL

**APPLICATION:** PERMISSION for (A) DEMOLITION OF PART OF THE EXISTING BAR AND STORE AREAS TO THE EXISTING BUILDING, (B) CONSTRUCTION OF A NEW EXTENSION TO REAR OF THE EXISTING BUILDING CONSISTING OF A NEW BAR AREA, RESTAURANT AREAS, TOILET BLOCKS, KITCHEN AND STORES ON GROUND AND FIRST FLOOR AREAS, (C) CHANGE OF USE FROM EXISTING STORES AT FIRST FLOOR LEVEL TO RESTAURANT AREA, (D) ASSOCIATED SIGNAGE TO THE BUILDING, (E) CONSTRUCTION OF NEW REAR ENTRANCE FOYER, (F) CONSTRUCTION OF A NEW SIDE STORE TO THE GABLE END OF THE EXISTING BUILDING, (G) EXTERNAL SMOKING & BAR AREA AND (H) ADDITIONAL CARPARKING AREA TOGETHER WITH ALL ASSOCIATED SITE DEVELOPMENT WORKS

**LOCATION:** THE BAYVIEW BAR MAIN STREET MEENMORE, DUNGLOE

A Chara,

With reference to the above application I am to inform you that pursuant to Planning and Development Regulations, 2001 to 2018 notice is hereby served on you to submit the information/documents requested on the following page(s).

Consideration of your application is being deferred pending compliance with this notice. You are advised that failure to **fully comply** with this request **within a period of 6 months** will mean that **your application will be deemed to have been withdrawn**.

**FURTHER NOTICE** - If the further information submitted in response to this notice is deemed to contain significant additional data you may be required to publish a notice in an approved newspaper.

Mise, le meas,

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**for Senior Ex. Planner  
Development Management  
Planning Services**



SCHEDULE

1. (a) Applicant to submit comprehensive proposals, detailed on a site layout map, specifying the arrangements for the collection, management and disposal of surface/storm waters both during and post construction, including provision for the appropriate disposal of soiled waters in order to protect the adjoining water course. Applicant is advised that same cannot be piped direct to waters.
- (b) Applicant to detail the location of the proposed grease trap required.

**Applicant is advised that the Chief Fire Officer (CFO) has concerns in relation to the means of access from the first floor. You are advised to liaise with the CFO in relation to same**

2. Applicant to clarify whether or not the external bar is simply an area outside for patrons or is actually an outdoor bar.



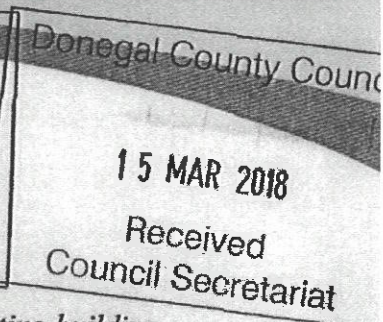
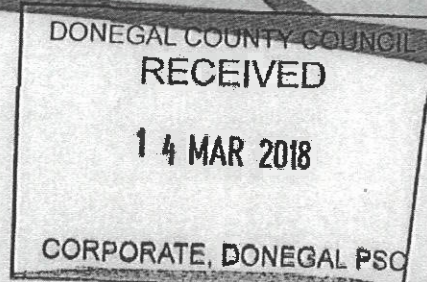


Office - Ballykillduff  
Portnoo, Co. Donegal  
- Drumardagh,  
Letterkenny, Co. Donegal

18/50031  
Tel - Portnoo - 087 981 3552  
Email - gavin@csarc.ie  
Tel - Letterkenny - 087 742 9467  
Email - michael@csarc.ie

# CornerStone Architecture

12-03-2018  
Donegal County Council,  
Planning Section,  
County House,  
Lifford,  
Co. Donegal.



**Re:-** A) To demolish part of the existing bar and store areas to the existing building, B) Permission to construct a new extension to rear of the existing building consisting of a new bar area, restaurant areas, toilet blocks, kitchen and stores on ground and first floor areas C) Change of use from existing stores at first floor level to restaurant area D) Permission for associated signage to the building, E) permission to construct new rear entrance foyer F) Permission to construct a new side store to the gable end of the existing building G) Permission for external smoking & Bar Area H) Additional carparking area together with all associated site development works at The Bayview Bar, Main Street, Meenmore, Dungloe, Co. Donegal.

**Client:-** Michael Boyle of Atlantic Drive LTD

Dear Sir/Madam,

Following your letter dated 8<sup>th</sup> March requesting additional information please find attached our reply.

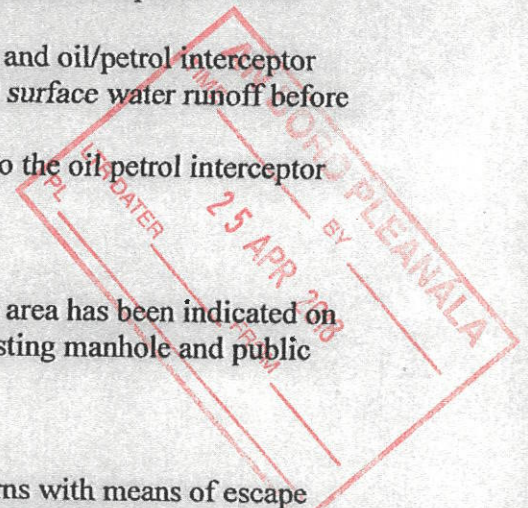
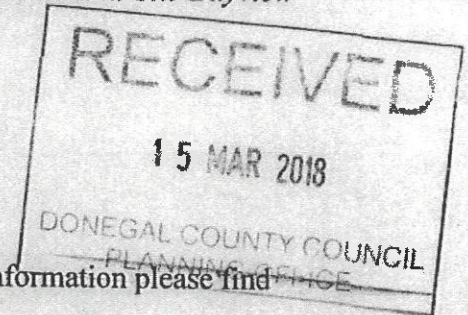
Revised site layout map showing the location of all proposed gullies for the collection of the surface water from the car parking area & storm water from the roof area of the building – piped to proposed oil/petrol interceptor as shown in the drawing. Also shown are the surface water discharge calculations as requested. Proposals for the soiled water have also been indicated.

It is proposed to install the surface water drainage system and oil/petrol interceptor along the lower side of the car park/river edge to catch all surface water runoff before commencement of the building works.

We enclose information from manufacturer with regards to the oil/petrol interceptor showing the proposed model.

The location of the proposed grease trap from the Kitchen area has been indicated on the drawings. This will subsequently be piped into an existing manhole and public sewerage system.

Following discussions with the Fire Officer and his concerns with means of escape from the first floor area, we have converted one open stairwell into a protected staircase with final exit to outside at the front of the building and provide an additional means of escape at the back of the building via an external staircase.

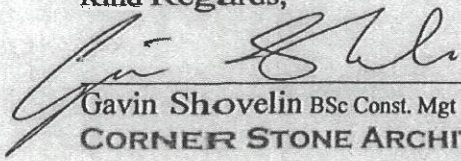




The External bar area will be provided with a temporary external bar for use during busy periods and festivals etc.

If you need any further information, please do not hesitate to contact us.

Kind Regards,



Gavin Shovelin BSc Const. Mgt  
CORNER STONE ARCHITECTURE

Enc.

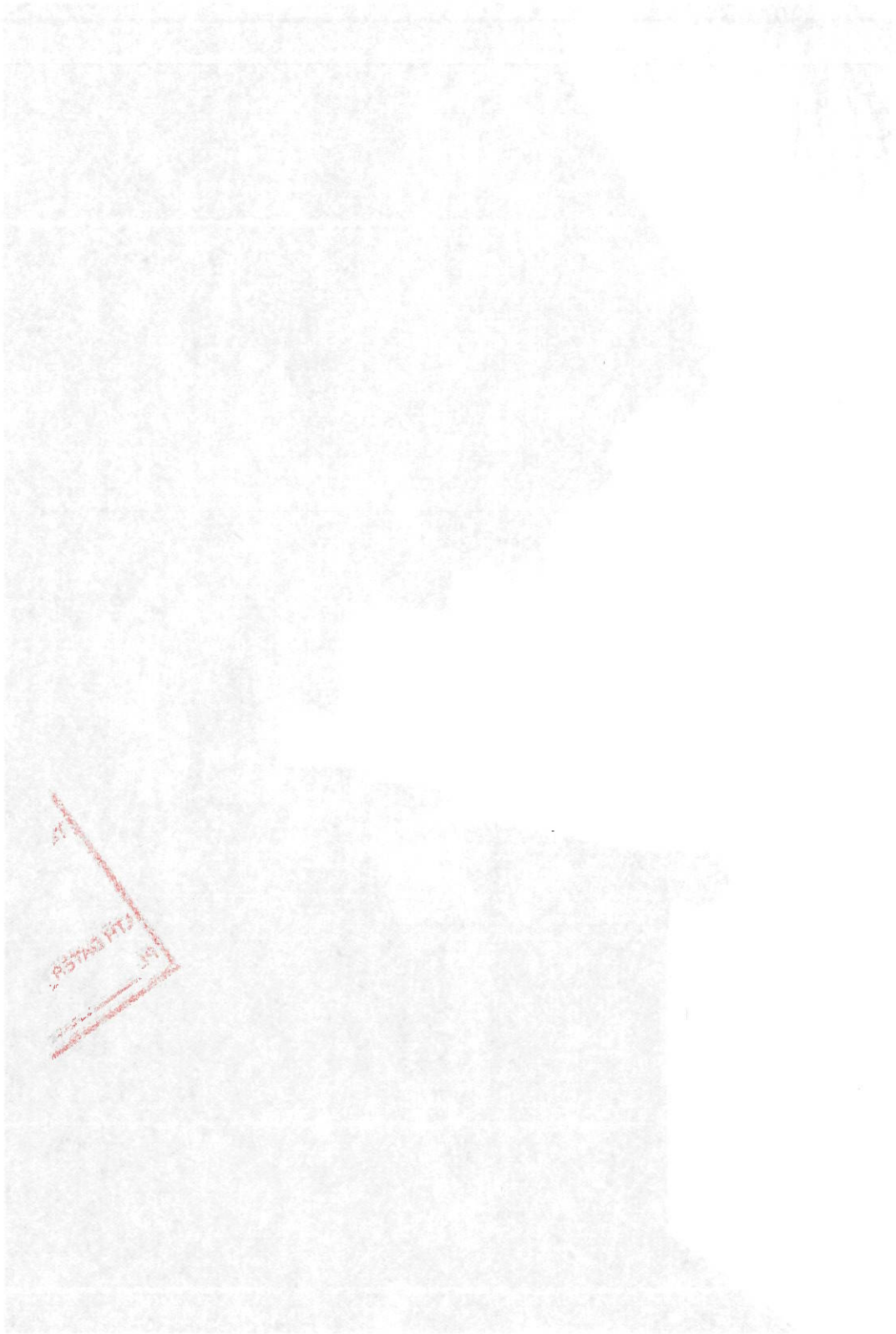
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TIME \_\_\_\_\_ BY \_\_\_\_\_  
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Leave to Appeal



Photograph 1



10/20/2017

10/20/2017

PTSD  
PTSD  
PTSD





Photograph 2

AN BORD PLEANAL  
BY  
25 APR 2018  
FROM



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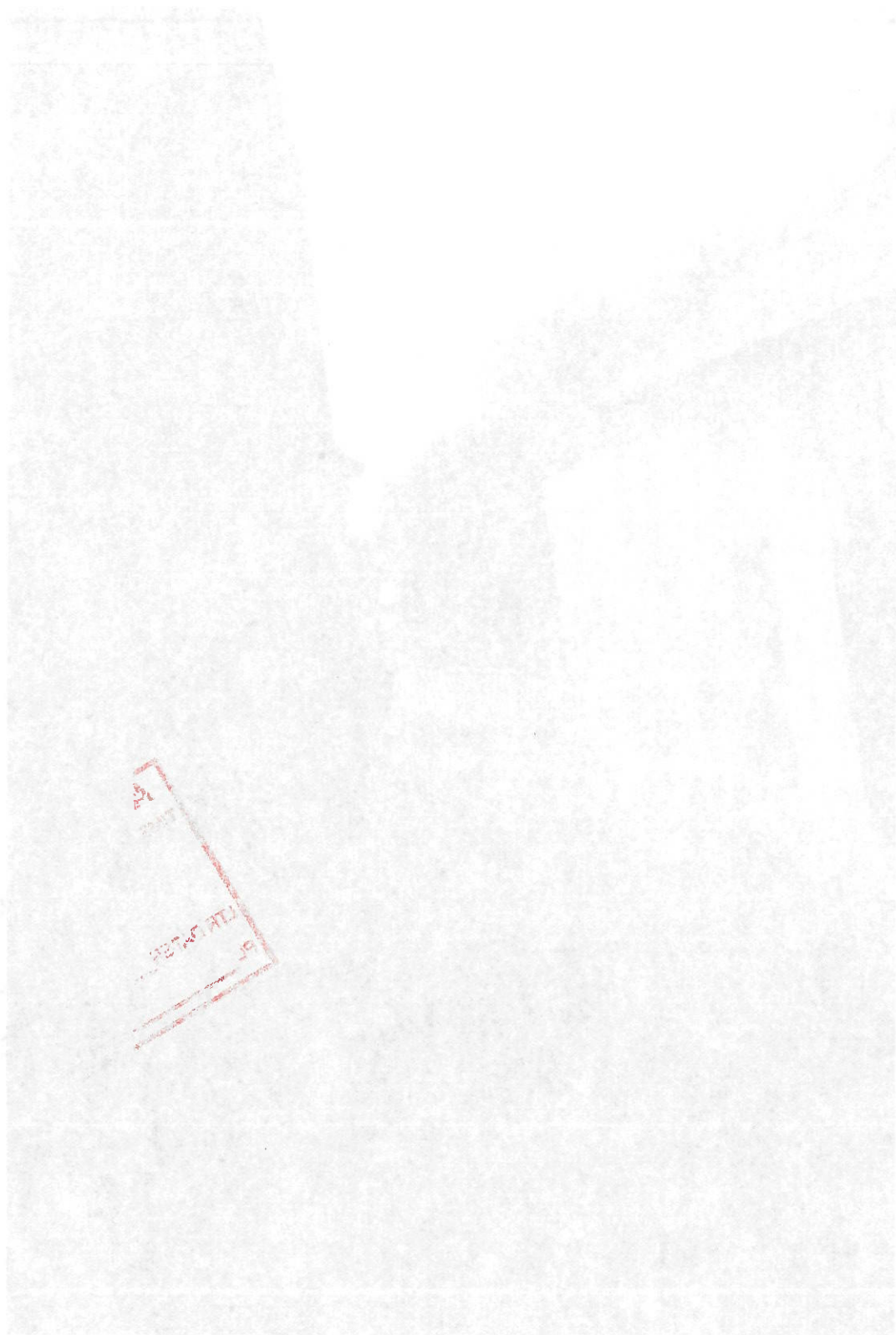
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Photograph 3

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BY \_\_\_\_\_  
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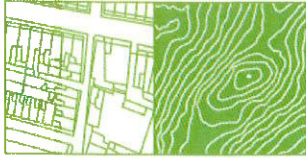
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JAN 24 1954



Photograph 4





**canavan associates**

**Consultant Chartered Town Planners, Architects and Environmental Consultants**

23 Prince's Street, Derry/Londonderry, N. Ireland, BT48 7EY

Phone: 0044 28 71371700 Fax. 0044 28 71372187

[info@canavanassociates.com](mailto:info@canavanassociates.com)

[www.canavanassociates.com](http://www.canavanassociates.com)

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
DUBLIN 1  
D01 V902

An Bord Pleanála Ref: To Issue

P.A. Reg. Ref: 18/50031 (Donegal)

Date: 24th April 2018

Our Ref: 1814

### **Application for Leave to Appeal (Co. Donegal)**

**Proposed development:** (A) DEMOLITION OF PART OF THE EXISTING BAR AND STORE AREAS TO THE EXISTING BUILDING, (B) CONSTRUCTION OF A NEW EXTENSION TO REAR OF THE EXISTING BUILDING CONSISTING OF A NEW BAR AREA, RESTAURANT AREAS, TOILET BLOCKS, KITCHEN AND STORES ON GROUND AND FIRST FLOOR AREAS, (C) CHANGE OF USE FROM EXISTING STORES AT FIRST FLOOR LEVEL TO RESTAURANT AREA, (D) ASSOCIATED SIGNAGE TO THE BUILDING, (E) CONSTRUCTION OF NEW REAR ENTRANCE FOYER, (F) CONSTRUCTION OF A NEW SIDE STORE TO THE GABLE END OF THE EXISTING BUILDING, (G) EXTERNAL SMOKING & BAR AREA AND (H) ADDITIONAL CARPARKING AREA TOGETHER WITH ALL ASSOCIATED SITE DEVELOPMENT WORKS

**Development Address:** THE BAYVIEW BAR, MAIN STREET, MEENMORE, DUNGLOE, CO. DONEGAL

**Applicant:** MICHAEL BOYLE OF ATLANTIC DRIVE LTD

Dear Sir/Madam,

#### **1. Leave to Appeal**

We, Canavan Associates Ltd, are acting on behalf of: -

Paul and Rosemary Gallagher

No. 1 Bridgend

Main Street

DUNGLOE

Co Donegal.







They wish to apply for Leave to Appeal against the decision of the local planning authority [P.A. Reg. Ref: 18/50031, Co. Donegal; as attached] to grant planning permission for the above proposed development adjacent to their properties at Main Street, Dungloe.

Our clients as owners of the adjacent property comprising residential and retail units are persons who have a legal interest in adjoining land to that in respect of which the said permission has been granted and are eligible to make an application for Leave to Appeal.

This Application for Leave to Appeal is made under section 37 (6) of the Planning and Development Act, 2000, as amended, as per our submission herein.

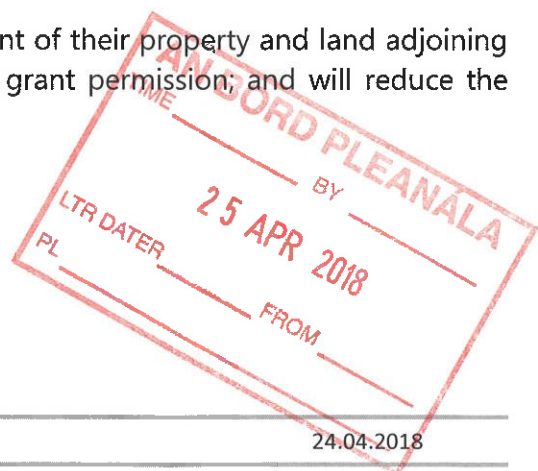
Please find the following enclosed with this Application for Leave to Appeal submission:

- Appeal submission/report with ancillary documents and attachments
- Cheque of €110 for the leave to appeal fee made out to the Board
- Copy of Notification of Decision from the planning authority, Donegal County Council dated the 29<sup>th</sup> March 2018 (18/50031)
- Further information request (18/50031) from planning authority dated 8<sup>th</sup> March 2018
- Copy of agents letter dated the 12<sup>th</sup> March 2018 as part of the further information response
- Photographs 1-4 illustrating our clients 1.5 storey residential property and service yard and access with their other property (residential and retail)

We wish to demonstrate that –

(i) The development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of further information submissions in respect of which the grant is subject, as condoned and mandated by Condition No 1 that states that development "*...shall be carried out in accordance with lodged plans and details, particularly those revised plans and details submitted on 14<sup>th</sup> March, 2018...*"

(ii) these will materially affect the applicants' enjoyment of their property and land adjoining the land in respect of which it has been decided to grant permission; and will reduce the value of their land and property.





## 2. Condition No1 and Revised Details

Our clients and adjacent property owners did not lodge a planning objection submission initially. However after the planning application was made it was the subject of a Further Information (FI) request as dated the 8<sup>th</sup> March 2018; and as attached.

Responses to the FI were submitted by the applicant's architectural agents on the 14<sup>th</sup> March 2018 (with some drawings date stamped for scanning by the planning authority as the 21<sup>st</sup> of March 2018)

These revised plans and details as mandated by and integrally approved by Condition No 1 showed significant and materially different changes to what was proposed.

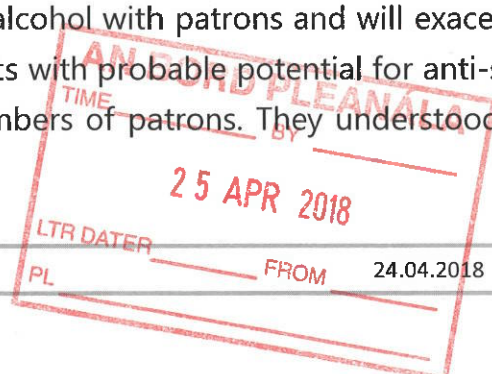
Item 2 of the FI request sought the applicant to clarify if the external bar is simply an area outside for patrons or is actually an outdoor bar.

The letter from the architects dated the 12.03.2018 as received by the planning authority on the 15<sup>th</sup> March 2018 stated that the outdoor smoking area was to be *"provided with a temporary external bar for use during busy periods and festivals etc."*

The revised plans P-002 Rev A floor layout as received on the 14<sup>th</sup> of March 2018, now show the previous external smoking area and bar area, which is construed as not serving alcohol as now having a separate "external bar area" that will be used as a *new bar* for serving alcohol. This directly abuts our clients' property and is directly below their bedroom window.

This has alarmed our clients as the outdoor smoking area adjoins their residential property of 1.5 storey height (Photo. 2 refers) where the upstairs bedroom window of our clients' residential property is evident.

This then will be a *new* external bar serving alcohol with patrons and will exacerbate noise and residential disamenity for my clients with probable potential for anti-social behavior and would be used by greater numbers of patrons. They understood that this outdoor space was a smoking area only.





This is a significant material change and departure from the original proposal where the outdoor smoking area was referred as part of the "external bar area" which certainly cannot be interpreted or assumed to be an actual bar serving alcohol.

No ameliorative proposals were submitted with the FI to address how noise, disturbance and intensification of same with property value impacts on our client's property and land, from this new bar proposal would be addressed or mitigated.

The post FI proposals are radically different from the original plans and will have the propensity now to cause noise, disturbance and disamenity as well as the potential to now greatly depreciate the value of their adjoining property and would now be contrary to the proper planning and sustainable development of the area.

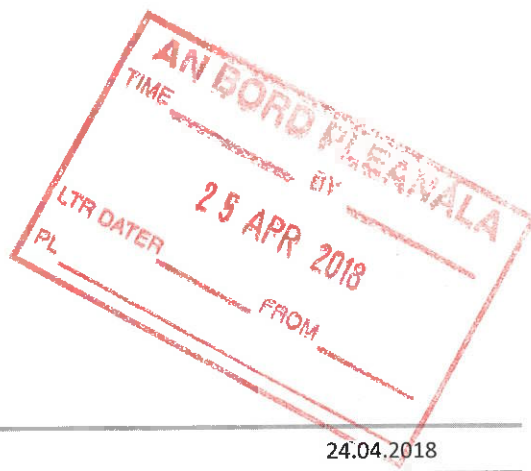
### 3. Further Revised Plans and Details

The information submitted as part of FI and sanctioned by Condition No. 1 also raises additional significant additions to that originally proposed.

These include a new flight of external stairs to the first floor of the southern elevation.

There are that would comprise an additional possible access entry to the commercial property with further congregation by patrons and others and more disturbance potential for adjoining properties.

In addition there will be new interceptors installed in the car parking area including one that would be c. only 8 m from our clients property boundary and marked as "IC" This could give rise to malodours and possible flooding in flood event or blockages and again would seriously affect our clients amenities and property and land value.





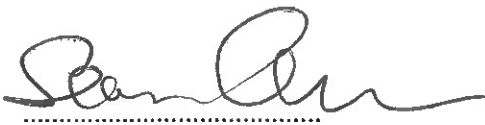
#### 4. Conclusion

Condition No 1 has thus mandated and permitted a materially different and changed development from that originally proposed when the application was lodged; and concomitantly will now materially and injuriously affect and prejudice their enjoyment of their residential/retail property and will reduce and depreciate the value of their said land property value.

It is clearly within the interests of natural justice that this Leave to Appeal Application is allowed by the Board.

We ask that all correspondence be address to our address.

Sincerely,



Seamus Canavan, Chartered Town Planner  
CANAVAN ASSOCIATES LTD.

23 Prince's Street,

Derry/Londonderry,

N. Ireland BT48 7E

